IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2062 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ASHOK @ ASHOK MUCHHALA HIRALALSHAH

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 2062 of 1997

MR KV SHELAT for Petitioner No. 1

Mr V M Pancholi, APP for Respondent No. 1

MR BD KARIA for Respondent No. 2

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 04/04/2002

ORAL JUDGEMENT

Learned Advocates for the parties as well as the contesting respondent are present. Learned APP, Mr V M

Pancholi is also present. Learned Advocate for the contesting respondent admits the signature of the contesting respondent in the settlement produced by the learned Advocates for the parties earlier. Learned Advocate for the petitioner has already admitted the signature of the petitioner and the petitioner was present when the settlement was produced. In view of the settlement produced on record and since the excecution and contents of the said agreement have been admitte, the settlement is taken on record. In view of the settlement arrived at between the parties and considering the fact that the original complaint being one for offence punishable under section 138 of the Negotiable Instruments Act, 1881 is withdrawable by the original complainant, this application is allowed by consent of the parties and the criminal case No.6101/96 pending before the Chief Judicial Magistrate, Mehsana is ordered to be quashed. Rule is made absolute to the aforesaid extent.

4.4.2002 [D P Buch, J.]
msp